



06-1705

RCE

Atty. Dkt. No. 089339-0365

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Niessen, et al.


Title: METHOD OF  
MONITORING FOR  
AVAILABILITY OF A  
SYSTEM FUNCTION IN A  
COMPUTER SYSTEM

Appl. No.: 09/857,084

Appl. Filing Date: 05/31/2001

Examiner: Corrielus, Jean M.

Art Unit: 2162

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 633080780 US (Express Mail Label Number)	June 16, 2005 (Date of Deposit)
Deborah A. Kocorowski (Printed Name)	
 (Signature)	

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**TRANSMITTAL**

**RECEIVED**

**JUN 22 2005**

**Technology Center 2100**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified patent application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the Issue Fee (unless a Petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a Notice of Appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. § 141, or the commencement of a civil action under 35 U.S.C. § 145 or §146 (unless the Appeal or civil action is terminated).

06/20/2005 JBALINAN 00000036 09857084

01 FC:1801 790.00 OP

06/20/2005 JBALINAN 00000036 09857084

02 FC:1251 120.00 OP

1. Submission required under 37 C.F.R. § 1.114: (check items that apply)

a. Previously submitted:

- ☐ Please enter and consider the amendment and/or reply previously filed on \_\_\_\_.
- ☐ Please consider the Affidavit(s)/Declaration(s) previously filed on \_\_\_\_ but not considered.
- ☐ Please consider the arguments in the Appeal Brief or Reply previously filed on \_\_\_\_.
- ☐ Other \_\_\_\_.

b. Enclosed are:

- ☒ Amendment and Reply Under 37 C.F.R. § 1.116 (15 pages, includes Marked-Up Version).
- ☒ Clean Version of Amendment and Reply (9 pages).
- ☒ New Drawing Sheets (2 pages, Figs. 3 and 4).

Miscellaneous:

- ☒ Change of Correspondence Address (1 page).
- ☒ Request For Corrected/Updated Filing Receipt (2 pages).
- ☒ Copy of official Filing Receipt; dated July 3, 2001 (3 pages).
- ☒ Copy of PTO Return Postcard bearing USPTO date stamp of June 14, 2002 (1 double-sided page).
- ☒ Copy of previously filed Change of Correspondence Address (1 page).

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee § 1.17(e):				\$790.00	= \$790.00
Total Claims:	4	- 20	= 0	x \$50.00	= \$0.00
Independents	2	- 6	= 0	x \$200.00	= \$0.00
First presentation of any Multiple Dependent Claims:				+ \$360.00	= \$0.00
CLAIMS FEE TOTAL:					= \$790.00

☒ Applicants hereby petition for an Extension of Time under 37 C.F.R. § 1.136(a) for the total number of months checked below:

<input checked="" type="checkbox"/> Extension for response filed within the first month:	\$120.00	1	\$120.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00		\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00		\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00		\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00		\$0.00
EXTENSION FEE SUBTOTAL:			\$120.00
EXTENSION FEE ALREADY PAID:			- \$0.00
EXTENSION FEE TOTAL			\$120.00
CLAIMS AND EXTENSION FEE TOTAL:			\$910.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):			\$0.00
<input type="checkbox"/> Suspension of action requested under 37 C.F.R. § 1.103(c)			\$0.00
TOTAL FEE:			\$910.00

☒ A check in the amount of **\$910.00** to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 06-16-05

By



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